UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,144	08/13/2002	Jobst Matthias Muehlbach	5266-05900	8210

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EXAMINER
AUSTIN, SHELTON W

ART UNIT	PAPER NUMBER
2623	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/049,144	MUEHLBACH, JOBST MATTHIAS
	Examiner	Art Unit	
	Shelton Austin	2623	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _05 February 2002_.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1,8 and 14-31_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1.8 and 14-31_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on _05 February 2002_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _2/06/2003_.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Claim 31 is objected to because of the following informalities: Claim 31 repeats

the same limitation as claim 30, therefor the claim should be omitted. Appropriate

correction is required.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1, 8, 14, 16, 17, 20, 22, 25, 26, 28 and 29 are rejected under 35

U.S.C. 102(b) as being anticipated by Kostreski et al. (US 5,734,589).

In regards to claims 1 and 8, Kostreski et al. (Kostreski) teaches a digital

interactive radio broadcasting system and corresponding method for controlling

navigation events between a plurality of services and/or channels (col. 3, lines 62-65),

including at least one digital interactive decoder (Fig. 1—100), said system broadcasting

applications to be received by said decoder (col. 6, lines 36-41), wherein the system

proposes said services to a user of said decoder and enables the navigation to other

services or channels through control means activated by said user (col. 4, lines 28-38;

col. 27, lines 16-19), characterized in that the applications being categorized into at

least two types of applications including a first type termed surfer application designed

for controlling said navigation and having knowledge of said services (col. 13, lines 52-

62; col. 15, lines 15-32), the decoder comprises:

identifying means for identifying surfer applications from other types of

applications (col. 28, lines 12-15),

selecting means for selecting a particular surfer application (col. 28, lines 8-11),

downloading means for downloading such selected surfer application within a

dedicated part of the decoder memory (col. 13, lines 48-51), called surfer cache, and

calculating means (Fig. 1—105) for executing said selected surfer application

from said surfer cache (col. 15, lines 36-37), whereby the decoder is under control of

said surfer application (col. 13, lines 52-54; col. 24, lines 28-33).

In regards to claims 14 and 22, Kostreski teaches a system and corresponding

method according to claim 8, wherein the decoder comprising a built-in application for

presenting the services (col. 15, line 58-col. 16, line 5; col. 27, lines 26-30), once a

surfer application is stored within said surfer cache, for any navigation event, the system

comprises:

checking means for checking if said navigation event has to be forwarded to the

built-in banner or to the surfer application (col. 27, lines 22-30);

routing means arranged for routing said navigation event to the surfer application

in case the decoder is controlled by said surfer application (col. 15, lines 28-32; col. 27,

lines 22-26);

and disabling means for disabling simultaneously the built-in banner (col. 27,

lines 31-34).

In regards to claim 16, 17, 25 and 26, Kostreski teaches the system and

corresponding method according to claim 8 wherein a plurality of surfer applications

being possible, the system comprises means for presenting an interface using a list of

services that allows the user to select one particular surfer application among said list

and to come back to said list after selection, if wanted (Fig. 5; col. 5, lines 58-66; col. 28,

lines 40-52; col. 28, line 66-col. 29, line 3).

In regards to claim 20, 28 and 29, Kostreski teaches the system according to

claim 8 wherein the memory of the decoder comprises a plurality of surfer caches for

storing corresponding different surfer applications (col. 31, lines 39-49).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 15, 18, 23, 24 and 27 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kostreski et al. in view of Ichihashi et al. (US 5,903,262).

In regards to claims 15, 23 and 24, Kostreski fails to teach the surfer application

is stopped when an application different from the surfer application is displayed, and is

re-launched when the normal application is finished.

In analogous art, Ichihashi et al. teaches an information guide menu screen that provides different information exchange services for presentation to the user. When the user wishes to terminate the information exchange service, a menu button is pushed, therefor causing the selection menu screen for information exchange having plural selectors to appear again (col. 26, line 45-col. 27, line 5; col. 31, lines 9-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kostreski by stopping the surfer application when another application is displayed, and re-launching the surfer application upon termination of the normal application, as taught by Ichihashi, in order to give the user the ability to activate and terminate different services through simple manipulation of a controller (Ichihashi: col. 27, lines 23-27).

In regards to claims 18 and 27, Kostreski teaches the system and corresponding method according to claim 23 wherein a plurality of surfer applications being possible, the system comprises means for presenting an interface using a list of services that allows the user to select one particular surfer application among said list and to come back to said list after selection, if wanted (Fig. 5; col. 5, lines 58-66; col. 28, lines 40-52; col. 28, line 66-col. 29, line 3).

6.   Claims 19, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kostreski et al. in view of Arai et al. (US 2004/0221307).

In regards to claims 19, 30 and 31, Kostreski teaches a service browser process and surfer application, but fails to specifically teach a DVB environment and Bouquet Association Tables (BAT).

In analogous art, Arai et al. teaches a Digital Video Broadcasting (DVB) environment wherein contents common to the pieces of electronic program information of all broadcast service providers is prepared in a common electronic program information preparing unit, for example, a bouquet association table (BAT). In the BAT, names of channel services of all broadcast service providers, names of all transport streams including the channel services, and names of bouquets are described in a list. Each bouquet corresponds to one broadcast service provider (page 15, paragraph 219).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kostreski by including the service browser process to be in a DVB environment, and the surfer application to be signaled in a Bouquet Association Table, as taught by Arai, in order to provide a common interface to all broadcast service providers, thereby benefiting from the existing tables (Arai: page 15, paragraph 219).

7.   Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kostreski et al. in view of Gordon et al. (US 6,208,335).

In regards to claim 21, Kostreski teaches the surfer application has a visible mode of running, but fails to teach the surfer application has a transparent mode of running.

In analogous art, Gordon et al. (Gordon) teaches the surfer application has a transparent mode of running. Gordon teaches a navigator menu structure that is divided up into a video layer, a graphics layer and a control layer. The graphics layer comprises an OSD overlay, which is displayed over the video layer. As such, the OSD layer can be used to emphasize and de-emphasize the underlying video. In particular, the graphics can be transparent (col. 3, lines 20-30; col. 8, lines 8-12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kostreski by including in the surfer application a transparent mode of running, as taught by Gordon, in order to allow the underlying video that lies beneath the overlay to be seen (Gordon: col. 3, lines 29-31).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelton Austin whose telephone number is (571) 272-9385. The examiner can normally be reached on Monday through Thursday from 8:00-5:30. The examiner can also be reached on Fridays from 9:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant, whose telephone number is (571) 272-7294, can be reached on Monday through Friday from 7:30-5:00. The supervisor can also be reached on alternate Fridays from 9:00-4:00. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Shelton Austin

SA.

ANDREW Y. KOENIG
PRIMARY PATENT EXAMINER